

REMARKS

This Response is submitted in reply to the Office Action dated March 25, 2004.

A Terminal Disclaimer is submitted herewith.

A check in the amount of \$110.00 is submitted herewith to cover the cost of the Terminal Disclaimer. Please charge Deposit Account No. 02-1818 for any insufficiency or credit for any overpayment.

The Office Action rejected Claims 1 to 54 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 to 4, 8, 15 to 17, 22 and 23 of U.S. Patent No. 6,602,136. Accordingly, Applicants are hereby submitting a Terminal Disclaimer as indicated in the Office Action to overcome these rejections over U.S. Patent No. 6,602,136.

The Office Action rejected Claims 1, 3 to 6, 11, 12, 14 to 17, 22, 23, 25 to 29, 31 to 33, 35, 36, 39 to 44, 47 to 51, 53 and 54 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0010018 to Lemay et al. ("Lemay Application") in view of U.S. Patent No. 6,102,798 to Bennett. The Office Action also rejected Claims 2, 13, 24, 30, 37-38, 45, 46 and 52 under 35 U.S.C. § 103(a) as being unpatentable over Lemay in view of Bennett and in further view of U.S. Patent No. 5,996,997 to Kamille.

Applicants respectfully submit that the Lemay Application is not prior art under 35 U.S.C. § 103(c) because at the time the present invention was conceived, the subject matter of the Lemay Application and the present invention were both subject to an obligation of assignment to IGT, a Nevada corporation.

The present application is assigned to IGT. The assignment from Anthony J. Baerlocher, Peter Gerrard, and Dov L. Randall to IGT was recorded January 26, 2004. A copy of the Notice of Recordation and the recorded assignment to IGT for the present application are enclosed herewith.

The Lemay Application is also assigned to IGT. In the parent U.S. Patent Application which is related to the Lemay Application (Application No. 09/659,954), the assignment from Steven C. Lemay and Andrea Hughs-Baird was mistakenly assigned to International Game Technology on October 22, 2002. A copy of this assignment is enclosed herewith. International Game Technology is the parent corporation and owner of IGT. This assignment from the parent application was applied to and recorded against the Lemay Application (MPEP § 306). Subsequently, International Game Technology assigned its interest in the Lemay Application to its subsidiary, IGT on November 13, 2002. A copy of this assignment is enclosed herewith. Accordingly, the Lemay Application is currently assigned to IGT and Applicants respectfully submit that under § 103(c) the Lemay Application is not prior art to the present invention.

The Claims rejected under 35 U.S.C. § 103(a) were rejected as being unpatentable over the Lemay Application in view of Bennett or as being unpatentable over the Lemay Application in view of Bennett and in further view of Kamille. Neither Bennett nor Kamille teach, disclose or suggest a gaming device comprising a plurality of paths including a first path and second path, each of the paths including a plurality of symbols associated with an outcome, or a path change condition. Additionally, neither Bennett nor Kamille teach, disclose or suggest a display device for displaying a plurality of paths.

The Claims rejected under 35 U.S.C. § 103(a) include, in combination with other elements, a plurality of paths including a first path and second path. Each of the paths includes a plurality of symbols associated with an outcome. Moreover, these claims include a path change condition and a display device for displaying a plurality of paths.

As discussed above, Applicants respectfully submit that the Lemay Application is not prior art of the present invention. For these reasons, Applicants respectfully submit that the Claims rejected under 35 U.S.C. § 103(a) are patentably distinguished over Bennett and Kamille and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions related to this Response, Applicants respectfully request that the Examiner contact the undersigned to discuss this Response.

Respectfully submitted,

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